

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ZELMA M. LOEB-DEFEVER AND LOEB
ARCHITECTS, LLC,
Plaintiffs

v.

STRATEGIC CONSTRUCTION, LTD. d/b/a
FCI MULTI-FAMILY, ET AL.,
Defendants.

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Civil Action No. 4:19-cv-00578-ALM

DECLARATION OF CESAR CORRALES UNDER 28 U.S.C. §1746

1. “My name is Cesar Corrales. I am Principal of Defendant Ted Trout Architect & Associates, Ltd. (incorrectly named Ted Trout Architects, Ltd. in the Complaint). I am making this Declaration in support of Defendants’ Joint Motion to Dismiss for Improper Venue under Fed. R. Civ. P. 12(b)(2) or, in the Alternative, to Transfer under 28 U.S.C. §§ 1406(a) or 1404(a). I am personally familiar with the design services that were provided by Ted Trout for the Woodhaven Village project (“Project”), located at 2275 Riverway Drive, Conroe, Texas, 77304, which is the subject of this Complaint. I have personal knowledge of the facts set forth in this Declaration, and those facts are true and correct.

2. I have reviewed the Complaint filed by Plaintiffs, Zelma M. Loeb-Defever and Loeb Architects, LLC (collectively “Loeb”), on July 31, 2019. Loeb allege in their Complaint that Trout infringed Loeb’s design for the Woodhaven Village project and distributed false copyright management information with respect to Loeb’s design. Loeb also allege in their Complaint that Trout tortiously interfered with Loeb’s 2010 and 2011 contracts with Mako, LLC (“Padua Realty”) regarding the Project and tortiously interfered with Loeb’s prospective business relations with respect to the Project.

3. Ted Trout Architect & Associates, Ltd. (“Trout”) is a Texas Limited Partnership with its sole office located at 11111 Katy Freeway, Suite 625, Houston, Texas 77079. I have reviewed the map of the counties encompassed within the Eastern District of Texas, which is attached to my Declaration as Exhibit A, from the Court’s web site:

<http://www.txed.uscourts.gov/court-locator>. After review of the map, I can confirm that Trout does not maintain a place of business in the Eastern District of Texas, currently has no business in the District, nor does it have any employees working on its behalf in the District. Trout has never owned, leased, or rented any property located in the Eastern District of Texas. Trout does not currently and nor has it ever maintained a bank account in the Eastern District of Texas.

4. Trout did not execute any contracts with respect to the Project, have any meetings, or perform any alleged acts or omission relating to any contract with respect to the Project while in the Eastern District of Texas. None of Trout’s activities relating to the Project took place in the Eastern District of Texas.

5. Loeb does not allege in their Complaint that any activities related to the Project took place in the Eastern District of Texas. The Project is located in Conroe, Texas. All documents in Trout’s possession that are potentially relevant to this suit are located at its office at 11111 Katy Freeway, Suite 625, Houston Texas 77079.

6. All potential witnesses associated with Trout are located in the greater Houston metropolitan area, and none are located within 100 miles of Sherman, Texas. For example, I, Cesar Corrales, currently reside in Houston, Texas. Angelica Batac, a former employee of Trout who provided architectural services for the Project, currently resides in the greater Houston metropolitan area. Giovanni Fazzolari, a current employee of Trout who worked on the Project, also resides in the greater Houston metropolitan area.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 17, 2019.

Cesar Corrales

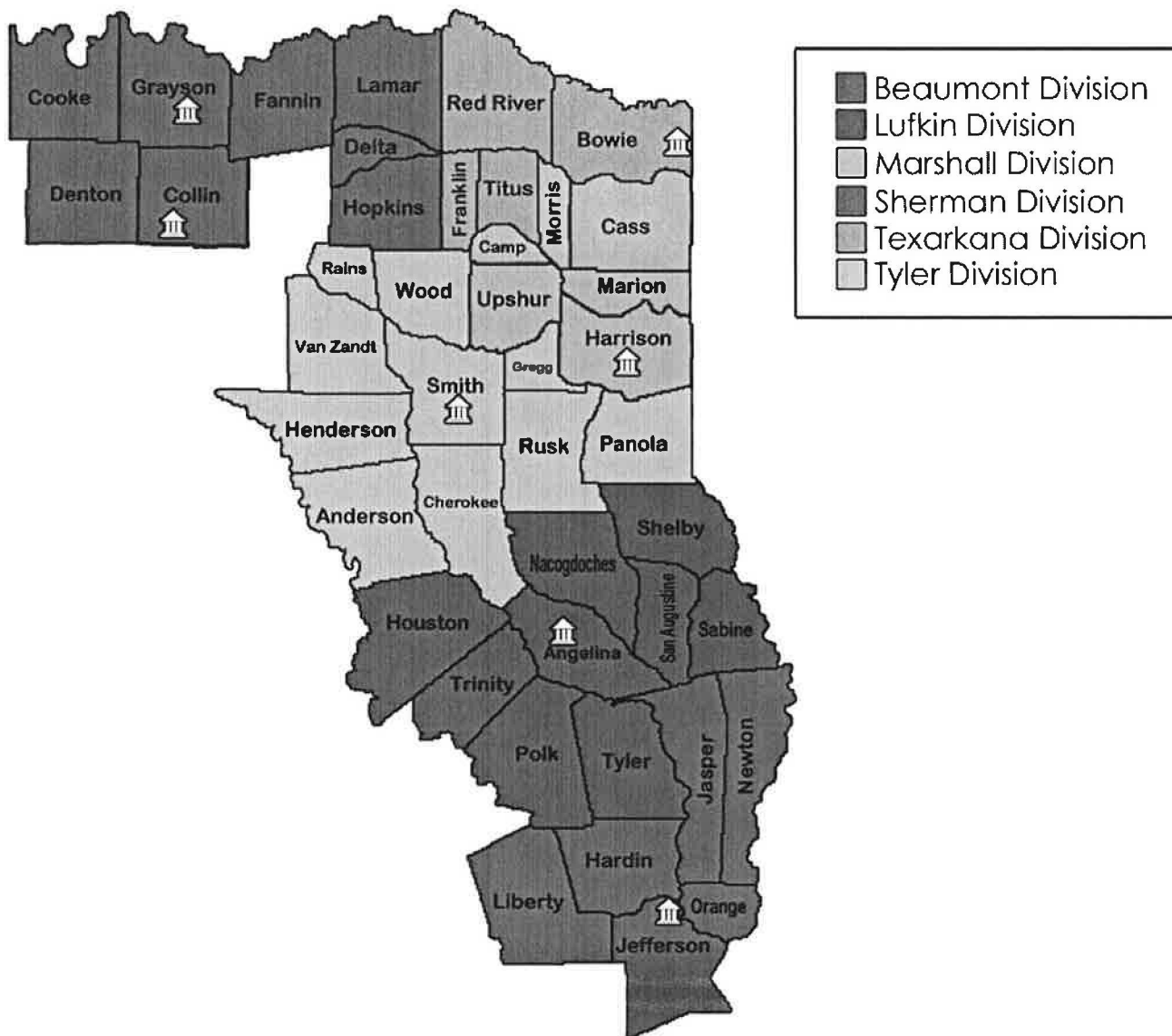


FOR THE FIRM
TED TROUT ARCHITECT
& ASSOCIATES, LTD.

Exhibit A

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